

The bugs in Halltorp and the buildings plan



2013

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The bugs in Halltorp

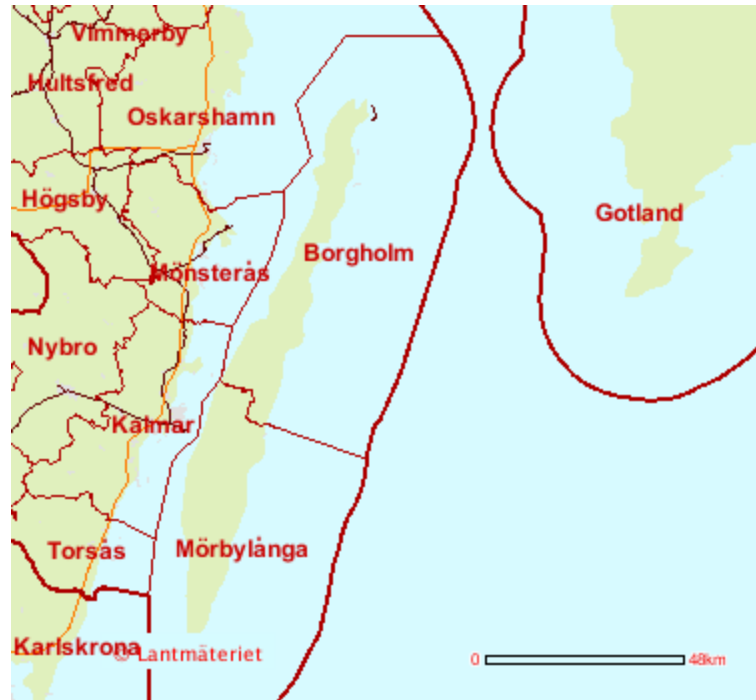
- A private exploiter wanted to build 300 dwellings in connection to a golf resort. The municipality of Borgholm started planning for the building
- Consultation with the County Administrative Board (CAB) - pointed out risks for the Natura 2000 area Halltorp north of the golf resort
- The municipality applied for a permit
- The decision from the CAB: Most areas did not need a permit. Area 3, 4 and 15 needed a permit plus building of a camping and some roads - these permits were refused
- The municipality and the exploiter appealed to the Land and Environment Court. The court gave the permits
- The national environmental protection agency appealed to the Land and Environmental Court of Appeal

Mark- och miljödomstolar

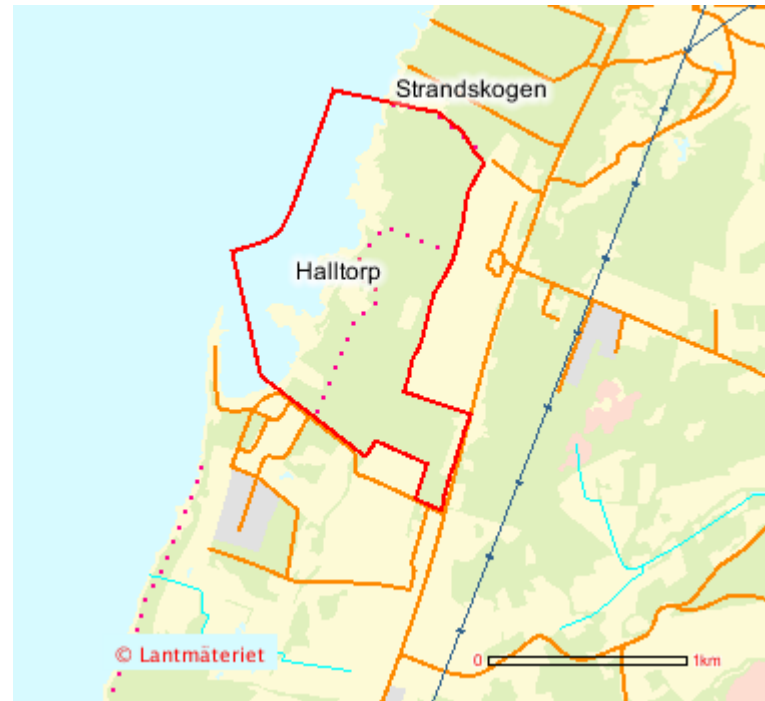
Bildas den 2 maj 2011.
Kartan visar placeringsorter och domkretsar.



Halltorp, Natura 2000 area on Öland



Halltorp: The broad-leaved forest of the site can show a long continuity and is a remaining fragment of an earlier widespread habitat in the south of Sweden.



In particular

Oak



Beech



And - the risk of effect on
Osmoderma eremita



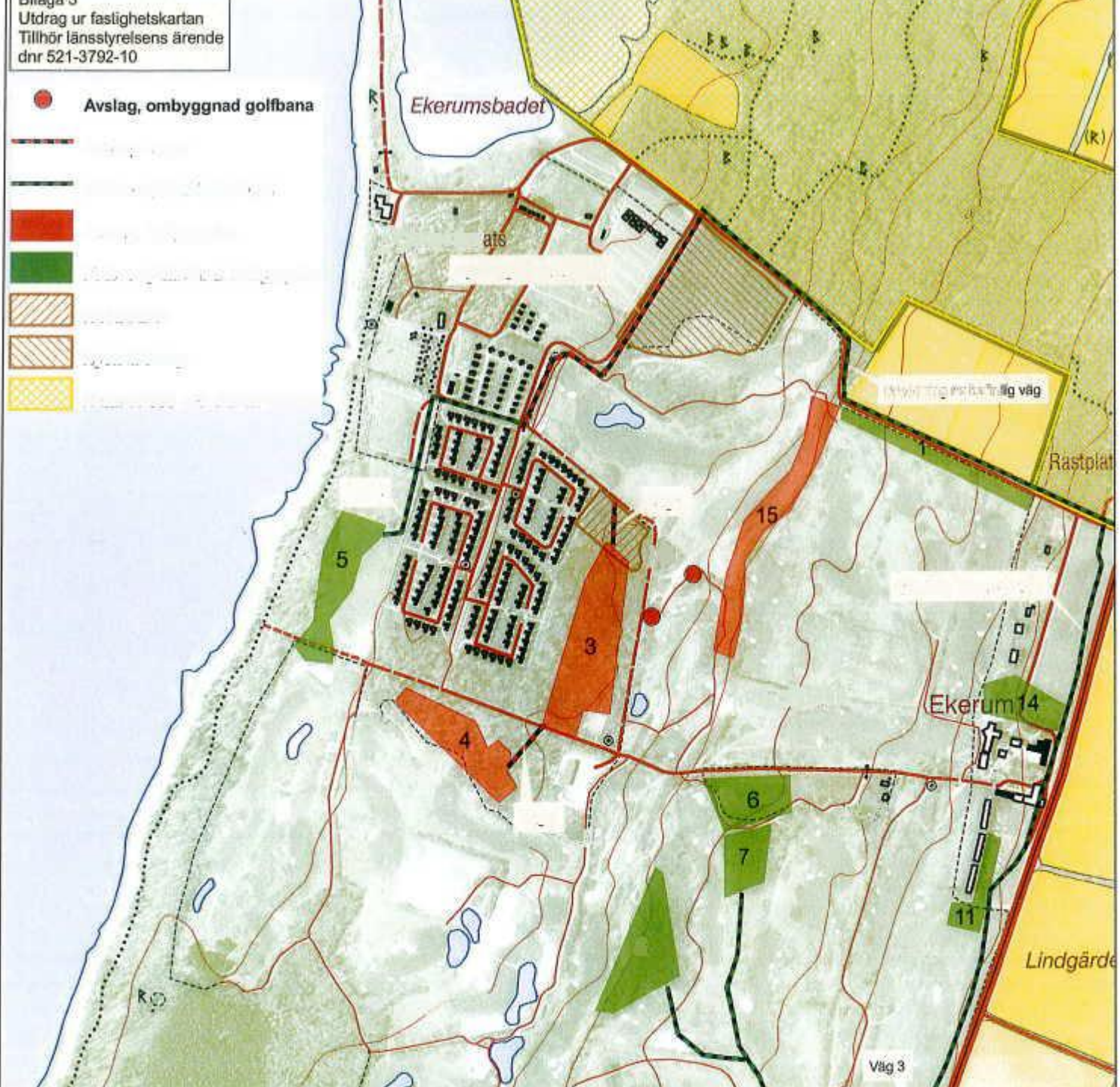
Lucanus cervus



and
Cerambyx cerdo



- Avslag, ombyggnad golfbana
- Väg 3
- Väg 15
- Avslag, ombyggnad golfbana
- Avslag, ombyggnad golfbana
- Avslag, ombyggnad golfbana
- Avslag, ombyggnad golfbana
- Avslag, ombyggnad golfbana





Visionsbil



Del av område
röda cirkelarna
skyddszon på



The questions

- What is to regard as the zero alternative in a situation like this?
- What kind of disturbances outside a Natura 2000 area - affecting that area - can you regard? - May it mean that you have a protected area outside the specific protected area?
- Who has the burden of proof regarding risks?
- Which measures in order to compensate a loss of nature values can you regard in a case like this? How should you/may you weigh principles of fundamental rights and principles of environmental law?